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## PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional)

1017.8003

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on OCTOBER 5, 2005Signature Betty BernalTyped or printed name BETTY BERNAL

Application Number

09/825,269

Filed

04/03/2002

First Named Inventor

RENEE FRENGUT

Art Unit

3622

Examiner

D.C. CHAMPAGNE

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

applicant/inventor.  
 assignee of record of the entire interest.  
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.  
(Form PTO/SB/96)  
 attorney or agent of record.  
Registration number 34,902  
 attorney or agent acting under 37 CFR 1.34.  
Registration number if acting under 37 CFR 1.34 \_\_\_\_\_

Signature

DANIEL S. POLLEY

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954-234-2417

Telephone number

OCTOBER 5, 2005

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required.  
Submit multiple forms if more than one signature is required, see below\*.

\*Total of \_\_\_\_\_ forms are submitted.

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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**REASONS IN SUPPORT OF  
PRE-APPEAL BRIEF REQUEST FOR REVIEW  
(SERIAL NO. 09/825,269)**

Applicant respectfully submits that the Examiner's continued refusal of the claims of Applicant's invention in view of the Gerace published patent application ("Gerace") is incorrect. The Examiner acknowledges that Gerace does not teach of the user personally assisting in the creation of his or her user profile by knowingly inputting the information. The Examiner also acknowledges that the user of the Gerace invention is unaware that the information is used to create a customized interface for the user profile. Gerace is basically a "cookies" invention. The teaching of Gerace is centered around the use of "cookies" to obtain the information. The Examiner's position stating that it would be obvious to have users input their personal information clearly destroys the entire teaching of the Gerace invention as it would eliminate the need for the use of "cookies" to create the Gerace customized interface. If the Gerace invention maintained its use of "cookies," then it would be redundant to have the user enter profile information, which could also contradict the information contained from the "cookies." There is absolutely no teaching, suggestion or motivation in Gerace for the Examiner's significant modification to the fundamental basis of the Gerace patent. For this reason, as well as others, Applicant respectfully does not believe that Applicant's invention is obvious in view of Gerace and asks that the rejection be withdrawn. All other issues in the Office Action can be handled by an After Final Amendment.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "D. S. Polley".

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